

This record is a partial extract of the original cable. The full text of the original cable is not available.

UNCLAS SECTION 01 OF 18 MANILA 000971

SIPDIS

SENSITIVE

DEPARTMENT FOR G/TIP - LNORIN, G, INL, DRL, PRM, IWI,
EAP/RSP, EAP/PMBS
LABOR FOR ILAB
USAID FOR CDOWNEY

E.O. 12958: N/A

TAGS: [PHUM](#) [KWMN](#) [KCRM](#) [SMIG](#) [KFRD](#) [ASEC](#) [PREF](#) [ELAB](#) [RP](#)

SUBJECT: PHILIPPINES: FIFTH ANNUAL ANTI-TRAFFICKING IN
PERSONS REPORT

REF: A. MANILA 740

[B](#). MANILA 655

[C](#). MANILA 607

[D](#). MANILA 436

[E](#). 04 MANILA 5428

[F](#). 04 STATE 273089

[G](#). 04 MANILA 0996

(U) This cable is Sensitive But Unclassified -- please
handle accordingly.

[1](#). (U) Mission's fifth annual Trafficking in Persons (TIP)
report follows below. The report covers the period from
March 2004 through March 2005. Point of contact (POC) is
Political Officer David C. Maness, ManessDC@State.Gov, (632)
528-6300 x5165, fax (632) 523-1195. Rank of TIP action
officer is FS-04. Estimated completion time for report:
FS-MC officer: 1 hour; FS-01 officers: 10 hours; 04 officers:
115 hours.

=====
Overview
=====

[2](#). (SBU) The answers below are keyed to the format contained
in Ref E, Para 18:

[A](#). The Philippines is an origin, transit point, and to a
lesser extent, destination country for internationally
trafficked men, women and children. Trafficking also occurs
within the country's borders. Reliable estimates of the
current extent or magnitude of the problem are not available,
but the estimates of various NGOs and government agencies
range from 300,000-400,000 women and 100,000 children
trafficked internally, into Southeast Asia and
beyond from the Philippines.

Aside from working in the commercial sex industry, many
trafficked persons work as domestic servants, as well as in
unsafe and exploitative industries such as forced labor. In
2004, the Department of Social Welfare and Development (DSWD)
provided services to 162 women victims of illegal
recruitment, 85 victims of involuntary prostitution, and 85
victims of trafficking. DSWD assisted a total of 373 victims
of sexual exploitation, 333 of child labor, 54 of illegal
recruitment, and 135 of trafficking. The Trade Union
Congress of the Philippines (TUCP), which tracks
labor-related data nationwide, recorded a total of 52
trafficking incidents involving 266 victims from January 2004
to January 2005.

Sources of information involved in the preparation of this
report include the following government agencies: the
Department of Foreign Affairs (DFA); the Department of
Justice (DOJ);
the Department of Social Welfare and Development (DSWD); the
Department of Labor and Employment (DOLE); the Philippine
Center for Transnational Crime (PCTC); the National
Commission on the Role of Filipino Women (NCRFW); and the
Presidential Anti-Illegal Recruitment Task Force (PAIRTF).
The following NGOs also provided input: the American Center
for International Labor Solidarity (ACILS); the Coalition
Against Trafficking in Women) Asia Pacific (CATW-AP); End
Child Prostitution, Child Pornography and the Trafficking of
Children for Sexual Purposes (ECPAT); the Visayan Forum
Foundation (VFF); The Trade Union Congress of the Philippines
(TUCP), and the International Justice Mission/Philippines
(IJM). Some information stemmed from media reports.

Women face a far higher potential of becoming victims of
trafficking than men, and girls are more at risk than boys.
Trafficking in children is generally internal: children and
young women from poor farming communities in Visayas (the
Central Philippines) and Mindanao are brought to major urban
centers and employed as factory workers, domestic helpers or
prostitutes. Victims of trafficking for sexual exploitation
are generally girls, with ages ranging from 7 to 16 years
old. Ethnic minorities, migrant workers, and other socially

marginalized groups are more at risk than other groups due to the high prevalence of poverty.

B. Trafficking of persons usually takes place from poor, rural areas throughout the Philippines to major urban areas within the country, especially Metro Manila and Cebu. Often, foreign trafficking rings bring the victims to destinations throughout Asia, Europe, the Middle East, North America, and South Africa. International organized crime gangs also traffic persons from mainland China through the Philippines to third country destinations. Filipino overseas performing artists (OPAs) in Japan numbered 70,628, the vast majority of them women. Evidence suggests that a majority of OPAs are forced to or voluntarily enter into prostitution. Less frequently, the Philippines is the final destination point or transit point for persons trafficked from China.

C. Since last year, there have been no measurable significant changes in the direction, extent, or nature of trafficking in the Philippines. Endemic poverty, a high unemployment and underemployment rate, a cultural propensity towards migration, a weak rule of law environment, and the sex tourism industry all contribute to the continuation of trafficking. After the passage of major anti-trafficking legislation in May 2003, the government also took the important step of assigning four prosecutors from the Department of Justice to focus specifically on trafficking cases in August 2004. The Government of Japan's expected implementation of new visa rules regarding &entertainer visas⁸ on March 15, 2005 should cut down on the issuance of such visas and, thus, the incidence of trafficking involving Filipinos working in Japan.

D. Several government agencies maintain their own separate databases, but many of these do not focus exclusively on trafficking. The Philippine Center on Transnational Crime (PCTC), established in 1999, collects information on transnational crime activities, but its records are not comprehensive. The Commission on Filipinos Overseas (CFO), an attached agency of the DFA, has developed a database to monitor legal problems involving Filipinos overseas. The system is not restricted to trafficking and generates relevant reports on other cases such as domestic violence and human smuggling. The CFO plans to integrate this information into the shared government database, but, as of February 2005, this project is not yet complete.

Following the anti-trafficking law signed in May 2003, the Department of Interior and Local Government (DILG) has conducted an extensive national anti-trafficking in person's publicity campaign.

E. The Philippines is only occasionally a destination point for internationally trafficked individuals. Reports indicate trafficking from China, South Korea, and Russia of individuals to engage in prostitution. Internal trafficking generally includes individuals from the Visayas and Mindanao regions to major metro areas to work as domestic servants, small-factory workers, in the drug trade, and sometimes in the commercial sex industry as bar girls or prostitutes. Many are victims of traffickers from their local areas. Victims are often subject to violence, threats, debt bondage, and withholding of documents.

F. Traffickers most often target the multitudes of workers seeking overseas and urban employment. (Approximately 8.6 million Filipinos work overseas, which works out to about 10 percent of the population and 20 percent of the workforce. An estimated 10 percent of GDP comes from these workers, remittances.) The most common recruits are girls and young women aged 13 to 30, from rural areas, and mainly from impoverished families. Many girls from ethnic minorities aged 10 to 15 also end up as commercial sex workers. Recruiters generally seek victims with a group of friends or relatives from the same neighborhood or village, providing a false sense of security. Traffickers are often private employment recruiters who cooperate with organized crime rings. The most common method to approach victims is to promise respectable and lucrative jobs with good benefits such as free board, lodging, transportation, and cash advances. Parents and guardians are often supportive, believing that work abroad is the key to ascending the socio-economic ladder. Traffickers use fake travel documents, falsified permits, and tampered birth certificates.

G. President Gloria Macapagal-Arroyo and her administration frequently speak out in public about the evils of trafficking and the efforts of the government to combat TIP. They have stated there is zero tolerance by the government of TIP in any way, although the government sought to protect access by "legitimate" Filipino entertainers to Japan and/or to delay implementation of tougher GOJ visa regulations. In August 2004, the government took the important step of assigning four prosecutors from the DOJ to focus specifically on trafficking cases more fully to utilize the landmark 2003 anti-TIP legislation. The law codifies stiffer penalties

against traffickers in women and children and against users or buyers of prostituted victims. Under Republic Act (R.A.) 9208, trafficking violators face a penalty from six years to life imprisonment and a fine ranging from P500,000 to P5 million (8,900 USD - 89,000 USD). Trafficking is considered a non-bailable offense. The law also entitles victims and survivors to counseling, temporary shelter, health care, legal assistance, and access to the government's witness protection program. Prosecutors have already filed charges and are pursuing six cases of alleged trafficking. Courts have yet to render any verdicts, however.

In coordination with DOLE, the DFA takes the lead in protecting the rights of migrant workers at Philippine embassies abroad. Philippine Overseas Labor Offices (POLOs), the operating arm and overseas representative of DOLE, is under the supervision of the Chief of Mission or the Philippine Ambassador. Over forty labor attaches serve at thirty-three POLOs around the world, located at Philippine embassies and consulates. Posts with a high number of overseas Filipino workers (OFW), such as Hong Kong, Singapore, Jeddah, Dhahrain/Al-Khobar, Dubai, Kuwait, and London, employ more than one labor attach to deal with the large caseloads. OFWs may report contract violations or abuse to POLOs who, in turn, refer the cases to the DFA or DOLE. POLOs provide access to rescue and repatriation, custodial and legal assistance, temporary shelter, and medical aid.

DSWD is responsible for the social reintegration of victims of trafficking once they return home. It operates 13 substitute homes for distressed women through the support of Congressional Spouses Foundation, Inc. (CSFI), a non-profit organization assisting those in need. Eight social workers are deployed (one each) to Hong Kong, Singapore, Taipei, Tokyo, Dubai, Abu Dhabi, Kuwait City, and Riyadh to provide psycho-social counseling to OFWs in distress, and work in conjunction with POLOs. A social welfare attach in Malaysia coordinates with the local government in rescuing and repatriating victims of trafficking and other forms of abuse.

While government agencies have undertaken extensive efforts worldwide to fight trafficking, inadequate funding is a chronic problem throughout the government in all fields. Anti-trafficking resources focus primarily on prevention and protection for overseas Filipino workers. The strongest efforts exist in the areas of helping to prevent persons from becoming victims, repatriating victims in destination countries, and reintegrating them into Philippine society upon their return home.

H. The government adamantly opposes trafficking in persons and senior officials have made clear that the government would never condone official complicity in such trafficking. There is no known involvement by senior officials in such trafficking. However, in this culture of corruption, anecdotal evidence suggests that some government officials (such as customs officers, border guards, immigration officials, and local police) sometimes receive bribes from traffickers or otherwise assist in their operations. The government launched a major anti-corruption drive in 2004-05, which has resulted in numerous prosecutions, including of several senior military and civilian officials, but not in the area of trafficking-related corruption per se.

In September 2004, the government transferred responsibility for issuing OPA accreditations from the controversial Technical Education and Skills Development Authority (TESDA) to the Philippine Overseas Employment Authority (POEA). POEA tightened the process for Artist Accreditation Certificate (AAC) issuance by only allowing licensed recruitment agencies (certified by POEA) to submit applications. Further changes included the following:

- Requiring a booking confirmation (a job offer from Japan or other overseas destination country) before accreditation;
- Using biometrics during the audition to authenticate the performer's identity;
- Requiring that Japanese promoters make an escrow deposit with the POEA to cover claims by entertainers with a legitimate grievance;
- Increasing information dissemination and TIP training for licensing agencies and entertainers going overseas.

As anticipated, the Government of Japan has begun to implement tightened entertainer visa requirements intended to reduce the number of exploited Filipino entertainers in Japan. While no reliable estimates are yet available, the changes will likely result in a significant reduction in OPA deployment.

I. The government's ability to address the problem remains limited by inadequate funding throughout the government,

including for police. Corruption in the government and the general ineffectiveness of the judicial system are also factors that impede the government's ability to prosecute trafficking cases. Many government agencies have not yet fully implemented the 2003 anti-trafficking law due to lack of training and orientation on the scope and magnitude of the problem. While the government does allocate resources through the DSWD to aid victims, funding is insufficient and national and international NGOs and other foreign donors (including the USG) must complement official government programs.

1J. The Inter-Agency Council Against Trafficking (IACAT) began in May 2003 to implement the then-new anti-trafficking law and to coordinate government policy regarding trafficking. The IACAT is active, although there are complaints that it meets too infrequently and does not have staff of its own. The government is still in the process of developing a central database to monitor trafficking-related activities. Government officials involved in anti-TIP activities meet regularly with concerned NGOs, foreign donors, embassies, and regional and international organizations to share information and assessments, but all agree solid data about the extent of the problem remains difficult to obtain.

1K. Prostitution is illegal, but remains widespread. Many prostitutes work independently in small brothels rather than in prominent entertainment clubs. Hostesses, referred to as "guest relations officers" (GROs), sometimes engage in illegal prostitution, though they are usually barred from leaving an establishment with a customer. The government requires GROs to undergo frequent health checks.

An anti-prostitution bill remains under consideration in the House of Representatives. It would punish those involved in the industry, such as pimps and brothel owners, while decriminalizing those exploited in the prostitution industry. The bill states that women and children who engage in prostitution can be victims and should be freed from criminal liability. It also states that people exploited in prostitution are entitled to support, protection, and may seek legal redress.

=====
PREVENTION
=====

13. (SBU) The answers below are keyed to the format contained in Ref E, Para 19:

1A. The government considers trafficking a serious issue and is actively engaged in combating trafficking.

1B. Several cabinet level agencies and sub-agencies are actively involved in combating trafficking in the Philippines. The IACAT coordinates, monitors, and oversees the implementation of the law, and serves as an umbrella organization to coordinate anti-TIP efforts. IACAT is co-chaired by the Secretary of the DOJ and the Secretary of the DSWD. Other member agencies include DFA, DOLE, POEA, NCRFW, and the Philippine National Police (PNP). Three NGOs representing women, children and overseas Filipino workers are also part of the IACAT.

In July 2004, the government created the Presidential Anti-Illegal Recruitment Task Force (PAIRTF) to develop and execute strategies to deter illegal recruiters, mainly by focusing on international airports and other points of departure. The PAIRTF's mandate is also to ensure a greater number of prosecutions of illegal recruiters, syndicates, and protectors by directing relevant government agencies to investigate and prosecute cases.

PAIRTF officials arrested three suspects allegedly involved in a transnational trafficking in persons case in October 2004. Officials were able in the course of the investigation to rescue three Filipinas from forced sexual servitude in Malaysia. The victims have returned to the Philippines and filed a complaint against their Filipino recruiters.

Various other government agencies' efforts in anti-trafficking are outlined below:

--The DFA extends assistance to victims of trafficking abroad and oversees the voluntary repatriation of victims. It acts as the central coordinating unit for all bilateral, regional and multilateral efforts. The DFA's Commission on Filipinos Overseas (CFO) provides pre-departure orientation and counseling services and offers liaison services to Filipinos overseas with the help of other government and private agencies. The CFO also coordinates with the Bureau of Immigration (BI) regarding the apprehension of violators;

--The DFA's Office of the Undersecretary for Migrant Workers Affairs (OUMWA) addresses trafficking issues involving

migrant workers. It works in conjunction with other government agencies, overseas workers, their families, NGOs, and religious groups to deliver assistance to Philippine nationals;

--DSWD focuses on the protection of victims. It implements rehabilitative and protective programs for trafficked persons. It also provides temporary shelter to trafficked persons and abused women in coordination with NGOs;

--DOLE is responsible for coordinating the government campaign against illegal recruitment and for maintaining records of overseas Filipino workers. It ensures the strict implementation and compliance with the rules and guidelines on the employment of persons locally and overseas. It also monitors, documents, and reports cases of trafficking in persons involving employers and labor recruiters;

--The OWWA, an attached agency of DOLE, has responsibility for protecting overseas workers and their dependents. It provides counseling and legal assistance programs to overseas workers and conducts information dissemination and awareness campaigns. Officers of DOLE assigned as Labor Attaches at Philippine Embassies spend much of their time assisting overseas workers. In countries with large numbers of OFWs, an OWWA officer also often serves as Assistant Labor Attach;

--DOJ is responsible for protecting the rights of victims of trafficking and prosecuting traffickers. It also offers free legal assistance for trafficked persons in coordination with the DSWD, the Integrated Bar of the Philippines (IBP), and NGOs. Four prosecutors specifically focus on trafficking cases;

--Under the DOJ, the National Bureau of Investigation (NBI), the Philippine National Police (PNP), and the National Police Commission (NAPOLCOM) work to identify, investigate and dismantle trafficking operations and prosecute offenders. The NBI has created a task force on the protection of women against exploitation and abuse, and a separate task force on the protection of children;

--The DILG conducts systematic information and prevention campaigns, and is creating a databank for the efficient monitoring, documentation, and prosecution of cases of trafficking in persons;

--The National Commission on the Role of Filipino Women (NCRFW) institutes development plans for women and provides technical assistance in setting up and strengthening response to gender issues. It formulates and monitors policies on trafficking in persons in coordination with relevant government agencies;

--The BI administers and enforces immigration and alien administration laws and adopts measures for the apprehension of suspected traffickers both at the place of arrival and departure. It ensures the compliance of Filipinos engaged or married to foreign nationals with the guidance and counseling requirements provided for in the trafficking law. It also controls and monitors border points by deploying deputized marines to help enforce immigration laws;

--POEA, affiliated with DOLE, is the primary administrator of licenses for recruitment agencies. Recruitment agencies cannot solicit employees for overseas work without the permission of POEA. POEA has authority to place on probation or bar from recruiting new workers and any agencies in violation of POEA standards. POEA also administers pre-employment orientation seminars and pre-departure counseling programs to applicants for overseas employment. POEA trains consulate staff, overseas labor officers and social welfare officers in methods for assisting trafficking victims abroad. It also provides free legal assistance to trafficked victims;

--The Philippine Center of Transnational Crime (PCTC) collects information for the effective monitoring, documentation, and prosecution of cases of trafficking in human beings.

1C. The POEA distributed a total of 280,000 pamphlets about licensed recruitment agencies in 2004 to Filipinos interested in applying for work overseas. government agencies have increased the frequency of TIP training and orientation efforts over the last 10 months, according to reports. The programs have already included training for several thousand government officials, including prosecutors, judges, NBI investigators, as well as local government units and city councilors. Specifically, the latest DOJ estimates indicate that 155 out of approximately 2000 prosecutors nationwide have received training in the TIP law. In addition, thousands of workers and hundreds of recruiting firm employees have also received training. IACAT is now finalizing a "standard orientation module" to begin use in early 2005. TIP training programs that took place in 2004

include:

-- government's Judicial Academy training (October): about 50 judges and lawyers;

-- Laoag local government TIP training (Laoag is a city in northern Luzon Island): about 30 members of the local government trained by DOJ in early September;

-- Orientation for judges and prosecutors on the TIP law (3-4 September 2004) in Manila: conducted jointly by the Supreme Court, Philippine Judicial Academy, DOJ, National Police Commission, University of Philippines Law Center, and the ACILS' Anti-Trafficking Project;

-- Asia Foundation (September 2-4): 30 participants from Asian governments and NGOs (including the Philippines) participated in an anti-TIP "best practices" seminar in Manila;

-- National Commission on Role of Filipino Women training (August 25): About 50 prosecutors trained in Pampanga province in the central Philippines;

-- Bataan province TIP training (July): about 30 members of the local government trained by DOJ;

-- Women's League-sponsored training (June 24/25): about 30 prosecutors and judges were trained in the 2003 law;

-- City Councilor Training (January - October 2004): a DOJ prosecutor conducted two training courses for over 800 City councilors;

-- POEA: provided a one-day TIP module training to staff of licensing agencies, at pre-employment seminars for overseas workers, and at job fairs. POEA estimates that 600 staff from licensing agencies and a few thousand overseas workers have received this training since late 2003;

-- Eight International Justice Mission (IJM) Training sessions for over 220 people from the NGO and law enforcement community. Sessions took place in Manila, Davao City, and Cebu;

-- Several ACILS Anti-trafficking Project orientation seminars took place around the country in 2004, providing training for over 2000 people from the national government and local government units as well as the NGO community.

1D. The government supports numerous other programs to prevent trafficking. It promotes women's participation in economic decision-making and efforts to keep children enrolled in school. It provides skill training for women and access to capital via micro-loans to create new jobs. These efforts are aimed at promoting the local economy and lessening the need for women to go to urban centers or abroad to earn money.

DOLE is the lead agency of the National Program Against Child Labor (NPACL), a comprehensive inter-agency response to child labor in the Philippines. The program focuses on preventing children from becoming victims of the worst forms of child labor (including trafficking) and ensures that victims will be provided protection and reintegrated into society.

The Commission on Filipinos Overseas counsels Filipinos engaged or married to foreign nationals and provides information on intermarriages, migration, rights and obligations, and available support networks abroad. In order to obtain a marriage certificate, local registrars require that foreigners obtain a "Legal Capacity to Marry" statement from their embassy, attesting they are not married abroad. DSWD provides social protection and promotes the rights and welfare of the disadvantaged sector. DSWD keeps social workers posted at international airports to monitor the travel of minors abroad. The Crisis Intervention Unit of DSWD's Quick Response Team serves the needs of women victims of trafficking by strengthening and establishing working arrangements with government, non-government, professional and civic organizations. Other efforts include organizing support groups and providing psycho-social, medical, legal and counseling services.

The Bureau of Non-Formal Education, an agency under the DepEd, has developed learning modules for Parents of Working Children (PWC) in various regions with high incidence of worst forms of child labor. Translated into local dialects, the modules aim at educating the parents about their children's health needs and basic rights, and provide opportunities for livelihood and income generating projects. DepEd continues to operate a home study program designed to prevent students from quitting school due to poverty, illness, or early marriage. With assistance from POEA and CFO, DepEd also incorporates lessons on international migration (including illegal recruitment and mail order

brides) into social studies and values education subjects in public elementary and high schools throughout the country.

The POEA conducts pre-departure seminars for migrant workers, covering topics such as contracts, wages, benefits, etc. It also provides comprehensive community education and programs on trafficking.

1E. The government is able to support some prevention programs, but funding is limited. For example, the PAIRTF received only USD 185,000 in 2004 funding. However, the vibrant NGO community supplements government efforts with innovative and low-cost programs that assist trafficking victims.

1F. The relationship among government officials, NGOs, and other elements of civil society concerned with trafficking issues is exemplary. The NGO Visayan Forum Foundation, Inc. (VFF) coordinates closely with local law enforcement and private industry in rescuing trafficking victims in Manila's North Harbor, for example. Additionally, three member NGOs focused on women, children, and overseas Filipino workers are part of the IACAT. The NGOs assist the government in preventing trafficking activities, protecting and reintegrating trafficking victims, and prosecuting traffickers.

NGOs often refer trafficking victims to government agencies, as the NGOs lack the necessary funding fully to help victims and their families. Government agencies recognize the importance of engaging NGOs in their advocacy programs. Several government agencies have NGO desks that oversee government-NGO coordination.

Since 2001, the IJM, a US-based NGO employing private Filipino investigators and prosecutors, has coordinated with the government in an effort to increase the number of pro bono prosecutions in the country, including under the 2003 anti-trafficking law. In the area of investigation, IJM gathers evidence against establishments that employ prostitutes and children, and shares this information with the National Bureau of Investigation. IJM's private prosecutors then file criminal cases for sexually abused women and children. In late 2004, the International Narcotics and Law Enforcement Bureau (INL) funded a grant project for IJM intended to accelerate prosecutions nationwide.

1G. Manila's North Harbor, the country's largest port, sees five million passengers pass through on an annual basis. As many as half of these are persons in search of employment. Despite efforts to guard major port areas, the government does not have sufficient resources adequately to monitor its borders. The Philippines has more than 7,000 islands, and fully monitoring its maritime borders is virtually impossible with the limited resources of the maritime services. From January 2004 to December 2004, the VFF assisted 2,987 trafficked women and children in major port areas.

The Philippine Coast Guard under the Department of Transportation and Communication (DOTC) intercepts ferries in order to identify trafficked victims and illegal recruiters in coordination with private shipping companies. The Maritime Police conducts investigations upon the disembarkation of passengers. It refers victims of trafficking to government agencies or local NGOs for further assistance.

Owners, managers, and key personnel of shipping companies conduct regular orientation and awareness seminars with crew to educate them on ways to identify and report suspected trafficking victims onboard. Often, shipping companies assist in facilitating the repatriation of minors by offering discounted fares.

1H. The Secretary of Justice is the Chairperson of the Inter-Agency Council Against Trafficking.

The DOJ has an existing Task Force on the Protection of Women Against Abuse, Exploitation and Discrimination, as well as a Task Force on Child Protection to address violation cases against women and children.

The Anti-Illegal Recruitment Coordinating Councils (AIRCCs) serve as a venue at the grassroots level for consultation and information sharing to map out strategies in improving the anti-illegal recruitment programs of the government.

The Sub-Committee on Human Trafficking of the National Law Enforcement Coordinating Committee (NALECC) meets regularly for data sharing on human trafficking cases and adopting measures to improve coordination.

Local Councils for the Protection of Children exist at the provincial, city, municipality and village levels to assist in identifying conditions related to child abuse, neglect, and exploitation, and to facilitate immediate responses to

reported cases of child abuse and exploitation.

Other initiatives include: the PNP has women and children's desks in various precincts; the POEA has its Anti-Illegal Recruitment Branch; and the NBI has its Violence Against Women and Children Desk.

Both the Office of the Ombudsman and the Presidential Anti-Graft Commission pursue official corruption. In January 2005, President Arroyo appointed a new anti-corruption czar, a former Acting Secretary of Justice who was personally involved in numerous anti-trafficking initiatives, including the designation of four specialized prosecutors.

I. The Philippines participates in international efforts to prevent, monitor, and control trafficking. Having completed Phase I of an agreement with the United Nations Center for International Crime Prevention, Office for Drug Control and Crime Prevention (CICP/ODCCP) to gather information on organized criminal groups involved in trafficking, the DSWD now is implementing an 18-month Phase II project to provide capacity building for service providers in havens for women and children and rehabilitate trafficked victims by providing full security and financial assistance, non-formal training, and establishing link-ups with the business community for possible internship programs.

The Philippines is a member of the 16-country Global Commission on International Migration (GCIM), and one of only five countries to participate in the drafting of the commission's mandate. Created in September 2002, the organization aims to enlarge the issue of migration on the global agenda, analyze gaps in current approaches to migration, and present recommendations to the UN on how to strengthen national, regional, and global governance of international migration. DOLE Secretary Patricia Sto. Tomas serves on the organization's commission. GCIM's first meeting took place in Stockholm, Sweden on February 26-27, 2004.

(Mission has requested that the DFA provide additional information regarding government participation in trafficking-related international and regional meetings in 2004. We will provide this information to G/TIP when we receive it.)

J. The government has a national plan to address TIP, created with NGO input. IACAT implements the plans involving DoJ, DSWD, DOLE, and other agencies. The national plan is provided to all relevant agencies.

K. All agencies involved in IACAT have shared responsibilities for developing and implementing anti-trafficking programs. As co-chair of IACAT, the DOJ ensures the protection of persons accused of trafficking, provides access to free government or NGO legal assistance, and trains select prosecutors in handling trafficking-related cases. DSWD takes the lead in implementing rehabilitative and protective programs for trafficked persons and provides victims with counseling and temporary shelter. It also has developed a system for accreditation among NGOs in order to establish centers and programs for intervention at the community level.

=====

INVESTIGATION AND PROSECUTION OF TRAFFICKERS

=====

14. (SBU) The answers below are keyed to the format contained in Ref E, Para 20.

A. On May 26, 2003, President Arroyo signed into law R.A. 9208, or the Anti-Trafficking in Persons Act of 2003. It is landmark legislation in protecting women and children from sexual exploitation and forced labor. The law affirms the government's resolve to prevent and suppress the illegal trade in persons, especially women and children, and carries penalties not only against traffickers but also against users or buyers of victims.

In addition to the anti-trafficking law, the government uses several laws to prosecute traffickers, including the Migrant Workers and Overseas Filipinos Act (R.A. 8042), which gives the government authority to combat illegal recruiting; the Mail-Order Bride Law (R.A. 6955), which makes it unlawful under exploitive circumstances for Filipino women to marry foreign men; the Inter-Country Adoption Act of 1995 (R.A. 8043), which ensures the protection of Filipino children from abuse, exploitation, trafficking, and/or sale; the Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act (R.A. 7610), which establishes penalty for traffickers; and the Anti-Child Labor Law (R.A. 9231), which prohibits the employment of children below 15 except when granted special permission by DOLE and guarantees the protection, health, and safety of child workers.

1B. The Anti-Trafficking in Persons Act of 2003 imposes harsh penalties on persons engaged in trafficking. The law distinguishes three types of violations: participating in the direct act of trafficking, acts that promote trafficking, and acts of qualified trafficking. The penalty for a direct act is a fine of P1 million to P2 million (17,800 USD- 35,600 USD) and 20 years imprisonment; promotion of trafficking through falsification of documents and tampering with certificates carries up to 15 years imprisonment and a fine of P500,000 to P1 million (8,900 USD-17,800 USD). The maximum penalty is applied if the victim is a child, if conducted on a large scale, or if the crime involves military or law enforcement agencies and public officers or employees, which calls for life imprisonment and a fine of P2 million to P5 million. Those who engaged the services of trafficked persons for prostitution, or qualified trafficking, face penalties of between six months of community service and a fine of P50,000 (890 USD) to a maximum of one-year imprisonment and a fine of P100,000 (1,780 USD).

1C. Under R.A. 8353 (the Anti-Rape Law of 1997), the penalty for rape is life imprisonment to death. Under R.A. 7877 (the Anti-Sexual Harassment Act of 1995), any person who violates the provisions of the act shall be penalized by imprisonment of not less than one month or more than six months, or a fine of up to P20,000 (400 USD) or both fine and imprisonment.

1D. In August 2004, then-Acting Secretary of Justice Merceditas Gutierrez signed Department Order No. 326 stipulating that four specific DOJ prosecutors would focus exclusively on TIP cases and should complete preliminary investigations within 60 days. Observers saw the signing of Order No. 326 as a positive event in the government's anti-TIP effort.

The DOJ is now in the process of prosecuting six trafficking cases. Up to six additional cases are in preliminary stages of filing. The primary case involves five female victims, three of whom are minors, trafficked internally and forced into prostitution. Courts have not yet rendered a verdict on any cases under the 2003 law, however, and so no one has served time for trafficking under this law, although there have been convictions under related legislation, such as child abuse and illegal recruitment.

The government has a poor system of collecting and maintaining data on criminal activity in general. The lack of data is not unique to human trafficking.

Specific trafficking-related cases filed by the DOJ (many still in the process of investigation), include:

--Four cases under R.A. 7610 for Child Prostitution, all now in trial;

--One case under R.A. 7610 for Child Prostitution, still in preliminary investigation;

--Three cases under R.A. 9208 (TIP Law) for Child Trafficking, all in preliminary investigation or reinvestigation (due to motion filed by accused);

--One case under R.A. 8042 for illegal recruitment, now in trial status.

1E. NGOs report that organized crime syndicates hailing from Japan and China control most of the sex industry in Manila. Employment agencies are involved in much of the trafficking both within the country and to overseas destinations. They may also have a role in trafficking of persons into the country. In addition, these agencies may be involved in legitimate recruitment of personnel, making it particularly challenging to identify illegal recruitment, as the line between "good" and "bad" agencies becomes blurred. Other recruiters may be relatives or neighbors, while some parents and guardians sell their children into bondage. In many cases, trafficking syndicates use Filipino women in their mid-40s or older to seek out victims, since older women are believed to be the least likely to harm younger women.

1F. The government actively investigates cases of trafficking-related offenses, but is hampered by scarce resources. The principal investigative agencies are the BI, NBI, and the PNP Criminal Investigation and Detection Group. The BI ensures that all foreign nationals within its territorial jurisdiction comply with existing laws to ensure the protection of women and children against commercial sexual exploitation. In July 2003, the NBI created the Anti-Human Trafficking Division (AHTRAD) to investigate trafficking-related cases. Special investigative techniques include electronic surveillance, asset information gathering, and undercover operations. In January 2004, AHTRAD arrested a Japanese national and his Filipina companion who issued fake Artist Record Books (ARB) to two women recruited to work as entertainers in Japan. The NBI filed charges of illegal recruitment and falsification of public documents against the

suspects, who were detained but were later granted bail.
Their case is pending.

G. Please refer to Para three, section C, for a full listing of recent training.

H. The government cooperates with other governments in the investigation and prosecution of TIP cases. The total number of cooperative investigations is not available. In September 2004, the government, through its Embassies in Brunei and Malaysia, collaborated with the Brunei Immigration authorities leading to the rescue and repatriation of two Filipina workers, who were trafficked to Brunei and were forced to become sex workers. Also in September, the government sought the help of Malaysian officials to investigate the case of three Filipinas, who were trafficked to Sabah, Malaysia as sex workers. The Malaysian police conducted a raid on the brothel in search for the Filipinas, which forced the owners to release and repatriate the victims.

I. The government has not yet extradited persons charged with trafficking from other countries nor has it extradited its own nationals charged with such offenses, although the government agreed in one case to extradite Filipinos allegedly involved in child abuse-related offenses to the U.S. The Philippines has extradition treaties with numerous countries. Under the terms of the 2003 anti-trafficking law, trafficking in persons is an extraditable offense.

J. There is no evidence establishing government involvement in or tolerance of trafficking on a local and institutional level. However, government officials (such as customs officers, border guards, immigration officials, local police or others) allegedly often receive bribes from traffickers or otherwise assist in their operations.

K. No officials have been charged directly with trafficking.

L. The government continues to cooperate with the USG in prosecuting American nationals under the terms of the PROTECT Act and related statutes, mostly for engaging in sex or planning to engage in sex with minors. As of late 2004, five American nationals have been prosecuted under the PROTECT Act for crimes involving a Philippine nexus.

(Mission is checking for further information on government prosecutions and/or extradition of foreign nationals for sex tourism.)

M. The Government has signed and ratified the following international instruments:

--Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others: ratified in September 1952;

--International Convention for the Suppression of the Traffic in Women and Children: ratified in September 1954;

--International Convention for the Suppression of the Traffic in Women of Full Age: ratified in September 1954;

--ILO Convention 105 on the Abolition of Forced Labor: ratified in November 1960;

--United Nations Convention on the Elimination of All Forms of Discrimination Against Women: ratified in May 1981;

--United Nations Convention on the Rights of the Child: ratified in September 1990;

--UN International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families: ratified on July 1995;

--Oslo Agenda of Action on Child Labor: ratified in December 1991;

--1996 Stockholm Declaration and Agenda for Action Against Commercial Sexual Exploitation of Children: ratified in December 1992;

--ILO Convention 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor: ratified in October 2000;

--Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Convention Against Transnational Organized Crime: ratified in October 2001;

--The Optional Protocol on the Suppression of Trafficking in Persons Especially Women and Children: ratified in October 2001;

--Optional Protocol on the Sale of Children, Child

Prostitution and Child Pornography supplementing the Convention on the Rights of the Child: ratified in April 2002;

--UN Convention on Transnational Crime: ratified in May 2002;

--ILO Convention 29 Concerning Forced Labour: signed by President Arroyo on January 14, 2005, pending Senate ratification.

=====

PROTECTION AND ASSISTANCE TO VICTIMS

=====

15. (SBU) The answers below are keyed to the format contained in Ref E, Para 21.

1A. The government assists victims by providing temporary residency status, relief from deportation, shelter, and access to legal, medical and psychological services. Additional protective services include telephone hotlines for reporting abused/exploited cases of women and children.

The DSWD's Residential Care unit provides 24-hour residential group care to children on a temporary basis to facilitate healing, recovery, and reintegration with their families and communities. Currently, 49 centers cater to an average of 80 children per center, an increase of ten centers since last year. Substitute homes, or havens, are used to address the needs of women victims of trafficking and other forms of abuse. At present, 14 substitute homes provide shelter for over 1,100 women and their children, an increase of one since last year.

Crisis intervention and child protection units operate in many public hospitals throughout the country. The crisis units also provide telephone counseling, conduct rescue operations, and provide overnight facilities and referral services for longer-term shelters. Women and Children Protection Units in Department of Health (DOH) hospitals offer medical services and psychological counseling to victims of violence. The Philippine General Hospital in Manila evaluates and treats TIP victims on behalf of the government.

The Philippines AIDS Prevention and Control Act requires documented OFWs to participate in a HIV/AIDS seminar as part of the Pre-Departure Orientation Seminar. Actual testing takes place only upon the request of the OFW or if required by the country of destination, especially for sea-based workers. The law does not provide mandatory HIV/AIDS screening for trafficking victims. However, the rate of HIV/AIDS in the Philippines remains extremely low, though often underreported. UNAIDS estimates that 10,000 people, or .012% of the population, is HIV positive, though there are concerns that this figure could grow quickly. Official DOH statistics show 2,200 reported cases.

1B. The Philippine Ports Authority's Gender and Development (GAD) Focal Point Program, an agency under the DOTC, provides the building and amenities for a halfway house, managed by VFF, a local NGO. Activities of the halfway house staff include regular inspection of the different port areas, assistance to possible victims of traffickers and victims of illegal recruitment, information dissemination, and basic orientation seminars.

In November 2003, VFF launched the Multi-Sectoral Alliance Against Trafficking in Persons to promote cooperation and sustain partnership among government, non-government organizations, the private sector, and civil society. Government partners include the DOJ, DOLE, DFA, DILG, DSWD, National Police Commission, PPA, and the Commission on Human Rights. DSWD provides limited funding to accredited NGOs to help meet the basic needs of victims, such as food, clothing, medicine, and legal services. With assistance from DFA, DSWD establishes arrangements with NGOs in other countries to provide distressed OFWs with temporary shelter, counseling, and medical assistance.

In general, NGOs cannot rely on government funding. They typically turn to foreign governments, foreign and domestic religious groups, third-country and multinational donor agencies, and private foundations. However, the government is highly aware of the value of NGOs in combating trafficking, and routinely seeks cooperation.

1C. Port personnel refer victims, as well as domestic workers detained at port police stations, to the halfway houses run by the VFF. The DSWD also refers cases of physical and verbal abuse against domestic workers to VFF for psycho-social intervention and short-term care until the victims have been repatriated. In November 2004, VFF launched a new halfway house in Matnog in Southern Luzon. This is VFF's fourth halfway house, in addition to those in Manila, Davao, and Batangas, and is similarly in coordination

with the Philippine Ports Authority (PPA). Halfway house staff provides direct services to trafficked victims in ports, including temporary shelter, referral and repatriation, and counseling

D. The 2003 anti-trafficking law recognizes trafficked persons as victims and does not penalize them for crimes related to the acts of trafficking or for obeying traffickers, regardless of their consent to the intended exploitation. Police sometimes bring charges of vagrancy against alleged prostitutes.

E. Yes, the government actively encourages victims to assist in the investigation and prosecution of trafficking and related crimes. Victims can file civil suits or seek legal action against traffickers. Pursuant to the Rape Victim Assistance and Protection Act, an all-female team of police officers, examining physicians and prosecutors, must handle investigations of offenses committed against women. In the case of trafficked children, the Special Protection of Children Act and the Rule on Examination of a Child Witness mandate that only a single panel interview will be conducted to avoid the damaging effect of feeling re-victimized through a series of repeated questioning. All fines imposed by the courts on the offenders accrue to a Trust Fund administered by IACAT, dedicated to preventing acts of trafficking, protecting and rehabilitating victims, and reintegrating trafficked persons into the community.

F. Under the Witness Protection, Security, and Benefit Program, the DOJ offers protection to witnesses from reprisals and economic dislocation by providing security protection, immunity from criminal prosecution, housing, livelihood expenses, travel expenses, medical benefits, education to dependents, and job security. However, some witness protection participants have complained of insufficient security and of abusive guards. Moreover, due to lack of resources to fund the program, many who would like to participate cannot. Many other potential witnesses may not be aware of the existence of this program.

G. Please refer to Para three, section C, for a full listing of recent training.

The BI is also conducting periodic training on basic immigration laws and procedure for immigration officers and agents in the field and other personnel involved in operation procedures. Training on anti-trafficking in persons is now incorporated in the Pre-Departure Orientation Seminar (PDOS) for consular staff, as well as Foreign Service officers and attaches who will be posted to foreign missions and consulates. ILO and the government's Foreign Service Institute (FSI) are developing an anti-trafficking in persons training module. The training module (in CD format) will benefit Foreign Service officers of DFA who will be posted and those who are already posted but unable to undergo anti-trafficking training through PDOS.

H. The DFA and the OWWA assist repatriated Filipino workers who are victims of trafficking. The OWWA's Halfway Home program provides temporary shelter, transport services, financial assistance, and counseling services through a network of NGOs. From January to December 2004, OWWA repatriated 1824 documented workers, many of whom came from the Middle East, including Iraq (after the government banned new employment in Iraq for OFWs). The DSWD, working with DOLE, and DOH, provides protective custody, recovery and healing services for victims. Services include organization of support groups, psychological and psychiatric interventions, medical, legal and livelihood services, provision of limited financial assistance, and educational assistance.

I. The Philippines has a vibrant local and international NGO community, many of which work directly with trafficking victims. The most active are:

--Coalition Against Trafficking in Women - Asia Pacific (CATW-AP). CATWAP is an international network of feminist groups, organizations and individuals fighting the sexual exploitation of women. The coalition brings attention to trafficking in women and girls, prostitution, pornography, sex tourism, and bride selling, mainly through media campaigns and policy advocacy. It provides preventive education program on migration and trafficking at the community and grassroots level and conducts dialogues with government agencies such as the POEA, DOLE, and DSWD on preventive and curative measures. Services include referring trafficking cases to member and partner organizations for legal, counseling and support services and documentation of trafficking cases based on the Human Rights Information and Documentation System used by a global network of organizations concerned with human rights issues;

--VFF focuses on the promotion of child welfare, especially migrant working children and is active on the issue of domestic trafficking of women and children. It provides

24-hour services for victims, including the operation of several temporary shelters, counseling, employment referrals, training, and advocacy. Staff positioned at port arrival areas identify and intercept probable victims of trafficking as they disembark ships. Through funding assistance from The Asia Foundation and the USG, VFF spearheaded the creation of a Multi-Sectoral Network Against Trafficking (MSNAT), a national network committed to provide immediate and appropriate response mechanisms to prevent trafficking, investigate and prosecute offenders, and protect, rescue, recover, and reintegrate victims, especially women and children;

--Trade Union Congress of the Philippines (TUCP). TUCP is the largest trade union network in the Philippines. The TUCP forges coalitions with various labor groups in its efforts to promote and protect the rights and welfare of workers and other disadvantaged groups, including women, youth and children, and migrant workers. Its Women's Bureau is particularly active in anti-trafficking initiatives, such as public information and media campaigns, database collection and documentation, provision of legal assistance to victims, and networking. With funding support from the American Center for International Labor Solidarity and the USG, TUCP conducted an anti-trafficking project establishing a coalition of private sector organizations that will coordinate with the government to ensure the implementation of activities on trafficking in persons;

--American Center for International Labor Solidarity (ACILS). ACILS, active in Philippines since 1969, has an extensive network in government, NGOs, trade unions, academia, and the business community. ACILS addresses labor issues, including irregular migration and trafficking in persons. In 2003, ACILS established a multi-sectoral Technical Working Group (TWG) to assist trafficking victims, monitor trafficking developments, process inquiries and complaints, and initiate filing of trafficking cases. TWG is composed of 37 organizations including 18 national government agencies, plus 19 trade union, NGOs, and advocacy groups;

--Development Action for Women Network (DAWN). DAWN addresses the concerns of Filipino women migrants in Japan as well as the growing number of Japanese-Filipino children (JFCs). Almost 90 percent of overseas Filipino workers in Japan are female entertainers, making them vulnerable to trafficking and sexual exploitation. In coordination with its DAWN-Japan volunteers, the local branch assists JFCs abandoned by their Japanese fathers;

--Women's Legal Bureau (WLB). WLB is a feminist legal NGO composed of lawyers, academics, and members of other professions. It provides legal services to victim and survivors of violence against women and conducts education and information campaigns to raise public awareness on women's issues. Other programs include representation of women in judicial proceedings, training of law enforcers and members of the legal profession on gender sensitivity, empowering communities to respond to feminist issues especially those involving violence against women, and working with women's groups toward promoting human rights;

--Third World Movement Against the Exploitation of Women (TWMAEW). TWMAEW addresses the needs of children and women in prostitution and other victims of sexual exploitation through shelters and support centers. It offers skills training, livelihood assistance, and psycho-social intervention. In collaboration with UNICEF and DepEd, it conducted awareness-raising campaigns on sexual abuse for 13,291 elementary pupils. Social workers, educators, and survivors of sexual abuse facilitated the workshops;

--Kanlungan Center Foundation (KCF). Kanlungan works with OFWs and their families in addressing the problems of migrant workers. It provides legal and welfare assistance, feminist counseling, temporary shelter, and education and training. Courses include Basic Migrants, Orientation, Migrant Rights and Legal Remedies, and Gender Awareness and Sensitivity. Kanlungan also intervenes at the grassroots level and addresses the psycho-social and economic causes and effects of migration by forging partnerships with other organizations at the community level;

--End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes (ECPAT). ECPAT campaigns to raise general public awareness in tourism, the travel industry, and high-risk communities on the issue of children victims of sexual abuse and commercial sexual exploitation. ECPAT is a member of the Special Committee for the Protection of Children under the Department of Justice and works with local government units in major provinces and cities, other NGOs, and church-based organizations.

=====
&Heroes8 and &Best Practices8
=====

16. (U) Mission's choices of Heroes and Best Practices follow:

Heroes:

-- Lourdes G. Balanon, Undersecretary for Policy and Programs, DSWD. Balanon has been a champion of the rights of women and children, and has been at the forefront of government efforts to counter TIP and end child sex tourism. Balanon is an excellent public speaker, and has been able to highlight the importance of international cooperation in the effort to end child sex tourism while providing concrete insights based on the experience of the Philippines. She values highly the importance of leveraging NGO efforts with those of the government in combating TIP. On October 20, 2004, Balanon represented the government at a USG-sponsored anti-child sex tourism conference held on the margins of the UN General Assembly.

-- Patricia Sison-Arroyo, Executive Director, IJM's Operational Field Presence. Arroyo oversees investigations, interventions, and litigation. Working with government and NGO contacts, she participates in undercover operations, rescue and rehabilitation of victims, and prosecution of traffickers. Prior to joining IJM, she litigated labor and family law cases with a private law firm. Arroyo is a highly effective lawyer, is dedicated to combating TIP, and is an important Mission contact. She is currently playing a key role in implementing a USG-sponsored project focused on assisting IJM in its investigative and prosecutorial efforts.

-- Maria Cecilia Flores-Oebanda, President and founding member, Visayan Forum Foundation. Oebanda founded VFF in 1991 to rescue victims of trafficking, especially young migrant workers. VFF now operates four halfway houses in port areas of Manila, Davao, Batangas, and Matnog, where it provides temporary shelter, counseling, and information to trafficking victims. In addition, VFF refers cases to CIDG for further investigation and eventual prosecution. Oebanda works closely with Mission staff in combating TIP, and is currently overseeing two G/TIP-funded grants in Manila and Davao. She is highly regarded by Mission personnel and in the Philippines.

Best Practices:

Government cooperation with the private sector and targeted NGOs manifests itself as a best practice. Thanks in part to a USG grant, for example, the NGO VFF operates four shelters for victims at major ports, including in Manila and Davao. The PPA, police and shipping companies -- including the Philippines, largest passenger shipping company WG & A -- identify victims transiting the port and turn them over to VFF, which provides on-site housing and protection. VFF then works with police to facilitate investigations and with DSWD to repatriate and counsel victims, and take measures to avoid re-trafficking. At the Davao shelter alone, VFF serves up to 45 victims a week, mostly women and girls on their way to imagined jobs in Manila, but also men and boys. This example of public-private sector coordination is inspiring and something we see as a best practice.

Mussomeli